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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/373,837

08/13/1999

METIN AYDEMIR

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45503 7590 05/12/2010  
DILLON & YUDELL LLP  
8911 N. CAPITAL OF TEXAS HWY.,  
SUITE 2110  
AUSTIN, TX 78759

EXAMINER

PHAN, MAN U

ART UNIT

PAPER NUMBER

2475

MAIL DATE

DELIVERY MODE

05/12/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* METIN AYDEMIR, MARCO C. HEDDES,  
CLARK DEBS JEFFRIES, and STEVEN PAUL WOOLET

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Appeal No. 2010-007356  
Application 09/373,837

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Before Maria Vignone, *Supervisory Trial Clerk*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 10, 2010. A Docketing Notice was mailed on May 11, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issue and to take necessary corrective action.

AMENDMENT UNDER 37 C.F.R. § 41.37

A review of the file indicates that on March 17, 2010, Appellant filed an Amendment under 37 C.F.R. § 41.37 in response to the Examiner's Answer mailed January 19, 2010. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is

ORDERED that this appeal be remanded to the Examiner to:

- 1) file a PTOL-304 notifying Applicant of entry or non-entry of the Amendment mailed March 17, 2010; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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